

Message Text

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ACTION EUR-25

INFO OCT-01 NEA-10 ADP-00 EURE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 MBFR-03

SAJ-01 IO-13 NIC-01 OMB-01 CU-04 OIC-04 ACDA-19 RSR-01

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O R 301825Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 7155

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

USMISSION BERLIN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 12484

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: CSCE: FRENCH DRAFT DECLARATION ON PRINCIPLES
AND FOUR POWER RIGHTS

REF: (A) STATE 170474; (B) STATE 163110; (C) STATE 124263

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(D) BONN 11960; (E) USNATO 3928

1. SUMMARY. CSCE DISCLAIMER ON FOUR POWER RIGHTS DISCUSSED AT LENGTH IN AUGUST 29 BONN GROUP MEETING. FRENCH AND FRG ARE BASICALLY IN AGREEMENT WITH US BUT UK APPEARS NOT TO HAVE FULLY STRAIGHTENED OUT OWN THINKING ON MATTER. ACTION: REQUEST GUIDANCE ON SUGGESTIONS ON LANGUAGE AND ON TIMING PARAS 6 AND 7 BELOW. IN INTEREST OF PUSHING FOR EARLY UK AGREEMENT, DEPARTMENT MAY WISH TO HAVE DISCLAIMER MATTER RAISED ON PRIORITY BASIS WITH BRITISH IN WASHINGTON, LONDON, OR IN BOTH. END SUMMARY.

2. UK REP (CROMARTIE) SAID UK THOUGHT AN ALLIED STATEMENT ON FOUR POWER RIGHTS AND RESPONSIBILITIES COULD BE USEFUL IN THE CSCE CONTEXT BUT QUESTIONED US PROPOSALS RE CONTENT AND TIMING OF USE. RE CONTENT, HE SAID THAT A REFERENCE TO THE QD, RATHER THAN A GEOGRAPHIC DESCRIPTION, WOULD SUFFICE IN SPECIFYING WHICH RESERVED RIGHTS AND RESPONSIBILITIES ARE MEANT. THE UK, HE SAID, PARTICULARLY WOULD LIKE TO AVOID PHRASE "BERLIN AND GERMANY AS A WHOLE" WHICH IN UK VIEW COULD PROVOKE A SOVIET RESPONSE WHICH MIGHT LEAVE ALLIES IN WORSE POSITION THAN BEFORE. ON TIMING, UK REP QUESTIONED THE PROPOSAL TO MAKE THE DISCLAIMER AT THE OUTSET OF THE SECOND STAGE. UK FEELING WAS THAT DISCLAIMER SHOULD BE AIMED AT SPECIFIC THING BEING DISCLAIMED AND, CONSEQUENTLY, PERHAPS SHOULD BE ISSUED AT THE THIRD STAGE ONCE THE PRINCIPLES DECLARATION HAS BEEN WORKED OUT.

3. US REP COUNTERED UK ARGUMENT ON TIMING, DRAWING ON PARA 6 REFTEL B, EMPHASIZING "BAD FAITH" ASPECT. ON SUGGESTED REFERENCE TO QD, HE NOTED HE THOUGHT IT WOULD BE A "STRAIN" TO ATTEMPT TO TRANSFER QD FROM CONTEXT OF TWO GERMANY'S UN ENTRY TO CONTEXT OF CSCE. UK REP AGREED TO REPORT US POINTS BUT SAID HE CONTINUED TO SEE VALUE IN WAITING SINCE IDENTIFICATION OF WHAT IS BEING PROTECTED BY DISCLAIMER WOULD BE EASIER.

4. FRENCH REP (PAYE) SAID HIS AUTHORITIES AGREED WITH THE PROPOSED US SCENARIO ON THE DISCLAIMER. HE HAS NO OBJECTIONS TO PRESENT WORDING OF DISCLAIMER, BUT AGREED
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WITH UK THAT IT SEEMED TO RUN RISK OF SOVIET CHALLENGE.

5. FRG REP (BLECH) SAID THAT THE DISCLAIMER POSED NO PROBLEM FOR FRG, BUT HIS AUTHORITIES WERE STILL NOT FULLY CONVINCED THAT DISCLAIMER WAS NECESSARY. FOR ONE THING, THE CSCE DECLARATION WOULD BE ENTIRELY DECLARATORY IN CHARACTER AND WITHOUT THE STATURE OF A TREATY. HENCE, IN PURELY LEGAL TERMS, THE DISCLAIMER SEEMED

SUPERFLUOUS SINCE THE DECLARATION COULD NOT AFFECT FOUR POWER RIGHTS IN ANY EVENT. HOWEVER, THE FRG RECOGNIZED THE POLITICAL NEED OF THE ALLIES TO PROTECT THEIR POSITION.

6. BLECH SAID HE FORESAW PROBLEMS WITH THE US WORDING WHICH REFERRED TO "BERLIN AND GERMANY AS A WHOLE." HE THOUGHT THIS WOULD RAISE SOVIET AND GDR HACKLES. HE SUGGESTED LANGUAGE ALONG LINE "RIGHTS AND RESPONSIBILITIES OF FOUR POWERS WHICH WERE THE OBJECT OF THE QD OF NOVEMBER 9, 1972." HOWEVER, BLECH CONTINUED, A REFERENCE TO QD BY ONLY THREE OF THE FOUR POWERS COULD LEAD TO THE COUNTER-PRODUCTIVE IMPRESSION THAT SOVIET POSITION HAD CHANGED. ON TIMING, THEREFORE, WHILE THE FRG FOUND

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 12484

OUTSET OF SECOND PHASE AGREEABLE, IT WOULD STRONGLY PRE-
FER THAT THE DISCLAIMER NOT BE MADE PRIOR TO FRG'S UN
ENTRY. ITS USE PRIOR TO SUCH ENTRY, BLECH SAID, MIGHT
PROVOKE A NEGATIVE SOVIET STATEMENT WHICH WOULD BE
VIEWED AS A SOVIET PULLING BACK FROM QD AT A TIME WHEN
THE QD IS PARTICULARLY IMPORTANT TO THE ALLIES AND FRG
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IN THE UN CONTEXT. UK AND FRENCH REPS AGREED WITH FRG
SUGGESTIONS ON CONTENT AND TIMING OF DISCLAIMER. US
REP UNDERTOOK TO REPORT OTHER ALLIES' VIEWS.

7. COMMENT. WE HAVE BEEN CONSIDERING THE FRG PROPOSAL
FOR NEW WORDING AND IT DOES NOT APPEAR TO MEET FULLY OUR
NEEDS. FOR ONE THING, THE WORD "OBJECT" SEEMS INAPPRO-
PRIATE. FOR ANOTHER, WE PROBABLY SHOULD INCLUDE
ALSO THE REFERENCE IN THE QD TO "CORRESPONDING, RELATED
AGREEMENTS, DECISIONS AND PRACTICES." WE HAVE CONCLUDED
THEREFORE, THAT TO MEET THE OTHER ALLIES' VIEWS AND
STILL TAKE ACCOUNT OF ALLIED INTERESTS, THE DISCLAIMER
MIGHT BEST READ: BEGIN TEXT: AS WE PARTICIPATE IN THE
WORK OF THE CONFERENCE ON A DECLARATION OF PRINCIPLES I
WOULD LIKE TO MENTION THAT JOINING IN SUCH A DECLARATION
CAN IN NO WAY AFFECT THE RIGHTS AND RESPONSIBILITIES OF
THE FOUR POWERS AND THE CORRESPONDING, RELATED QUADRI-
PARTITE AGREEMENTS, DECISIONS AND PRACTICES REFERRED TO
IN THE QUADRIPARTITE DECLARATION OF NOVEMBER 9, 1972.
END TEXT.

8. WE HAVE CHECKED THIS PROPOSED LANGUAGE WITH THE
BRITISH, FRENCH, AND GERMAN BONN GROUP REPS, WHOSE
INITIAL REACTIONS WERE POSITIVE.
HILLENBRAND

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